

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America,

vs.

Jared Lee Loughner,

Plaintiff,

Defendant.

CASE NO. 11cr0187 TUC LAB

**SUPPLEMENTAL ORDER
FOLLOWING AUGUST 26, 2011
HEARING**

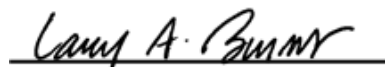
The Court's written order following the August 26, 2011 hearing (Dkt. No. 306) was intended to correct conflicts with the minutes entered after the hearing (Dkt. No. 307).

The minutes incorrectly note that the Government's motion for reciprocal discovery (Dkt. No. 217) was denied. As clarified by the written order, the Court grants the motion but simply suspends the defense's obligation to produce discovery until the defendant is competent to stand trial. The Government has complied with its discovery obligations and is entitled to reciprocal discovery eventually. However, because the defendant is not presently competent to assist his counsel or to consult with them regarding reciprocal discovery, the Court finds the Government is not entitled to reciprocal discovery *at the present time*. (Dkt. No. 302 at 29:8–15.) This is what the Court meant when it said during the hearing "The Court denies the motion for reciprocal discovery at this time without prejudice. At such point that the defendant is competent to stand trial and communicating with his lawyers, you may renew it, and I will reconsider it at that time, Mr. Kleindienst." (Dkt. No. 302 at 30:3–7.)

1 Second, the minutes note that the Court denied *outright* the Government's motion to
2 enforce compliance with Rule 17(c) (Dkt. No. 277), whereas the written order denies the
3 motion *without prejudice*. Again, the written order controls. The Court was clear during
4 argument that it would review and approve ex parte subpoena requests on a case-by-case
5 basis, not in a blanket manner, and that if a request isn't compliant with Rule 17 standards
6 and doesn't implicate the defendant's constitutional rights, the Government is entitled to
7 notice and the opportunity to object. (Dkt. No. 302 at 10:2–6 and 20:19–25.)

8 **IT IS SO ORDERED.**

9 DATED: September 1, 2011

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11 **HONORABLE LARRY ALAN BURNS**
12 United States District Judge
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